

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yakov Kamen, *et al.*

Serial No.: 10/087,975

Filed: March 1, 2002

For: Multimedia Interactive Device
Function Selection Based Upon
Depression Duration

Atty. Docket No.: 007287.00037

Group Art Unit: 2426

Examiner: Fred H. Peng

Confirmation No.: 9048

APPEAL BRIEF

Mail Stop: Appeal

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is an Appeal Brief filed in support of Appellants' March 4, 2011, Notice of Appeal.
Appeal is taken from the Final Office Action mailed November 4, 2010 ("Final Office Action").

Appellants request any necessary extension of time for the submission of this paper. If any fees are required, please charge Deposit Account No. 19-0733 accordingly.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is JLB Ventures, LLC.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals or interferences.

STATUS OF CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Claims 1-4, 10-13, 19-22, 25-28, 30-33, and 35-40 stand rejected and are presently appealed. Claims 29 and 34 were deemed allowable if rewritten in independent form to incorporate all the features of their respective base claims and any intervening claims. Claims 5-9, 14-18, and 23-24 were previously canceled.

STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

No amendments have been made subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various embodiments in the specification text and/or drawings to explain the claimed invention, Appellants do not intend to limit the claims to those embodiments; all references to the filed specification and drawings are illustrative unless otherwise explicitly stated. Moreover, written description support may be found in the filed specification when read as a whole, in addition to the specific passages cited.

Independent Claim 1

Independent claim 1 recites a method [FIG. 3; para. 9, para. 21] comprising:

receiving at a multimedia presentation device controller an indication of a depression

of a channel selection button, [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22, para. 26] wherein the channel selection button corresponds to a number button (0-9); [FIG. 5; para. 26 (see, *e.g.*, lines 4-6), para. 27]

receiving an indication of an ending of the depression of the channel selection button;
[FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the channel selection button; and [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

Independent Claim 10

Independent claim 10 recites a computer-readable medium containing instructions which, when executed by a processor, [FIG. 2; para. 2, para. 20, paras. 22-23] cause the processor to perform a method, [FIG. 3; para. 9, para. 21] the method comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22, para. 26] wherein the channel selection button corresponds to a number button (0-9); [FIG. 5; para. 26 (see, *e.g.*, lines 4-6), para. 27]

receiving an indication of an ending of the depression of the channel selection button;
[FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the channel selection button; and [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

performing one of a plurality of functions associated with the channel selection button,

wherein the function performed is based upon the depression duration. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, e.g., lines 10-14), para. 22, paras. 27-28]

Independent Claim 19

Independent claim 19 recites an apparatus [FIG. 2; Abstract; para. 2] comprising:

a processor having a memory coupled thereto, the memory having stored thereon executable instructions [FIG. 2; para. 2, para. 20, paras. 22-23] which, when executed by the processor, cause the processor to perform a method [FIG. 3; para. 9, para. 21] comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, [FIG. 3, element 305; para. 21 (see, e.g., lines 1-5), para. 22, para. 26] wherein the channel selection button corresponds to a number button (0-9); [FIG. 5; para. 26 (see, e.g., lines 4-6), para. 27]

receiving an indication of an ending of the depression of the channel selection button; [FIG. 3, element 320, para. 21 (see, e.g., lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the channel selection button; and [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, e.g., lines 10-14), para. 22, paras. 27-28]

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, e.g., lines 10-14), para. 22, paras. 27-28]

Independent Claim 28

Independent claim 28 recites a method [FIG. 3; para. 9, para. 21] comprising:

receiving an indication of a depression of a button on a multimedia presentation device controller; [FIG. 3, element 305; para. 21 (see, e.g., lines 1-5), para. 22, para. 26]

receiving an indication of an ending of the depression of the button; [FIG. 3, element

320, para. 21 (see, e.g., lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, e.g., lines 10-14), para. 22, paras. 27-28], wherein a first depression duration range is associated with a first function on the multimedia presentation device controller [FIG. 3, elements 325-326], a second depression duration range is associated with a second function on the multimedia presentation device controller [FIG. 3, elements 330-331], and a third depression duration range is associated with a third function on the multimedia presentation device controller [FIG. 3, elements 335-336], and;

performing the function associated with the depression duration range of the button on the multimedia presentation device controller. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, e.g., lines 10-14), para. 22, paras. 27-28]

Independent Claim 33

Independent claim 33 recites a device controller [FIG. 2; Abstract; para. 2] comprising:

a processor having a memory coupled thereto, the memory having stored thereon computer executable instructions [FIG. 2; para. 2, para. 20, paras. 22-23] which, when executed by the processor, cause the device controller to perform a method [FIG. 3; para. 9, para. 21] comprising:

receiving an indication of a depression of a button on the device controller; [FIG. 3, element 305; para. 21 (see, e.g., lines 1-5), para. 22, para. 26]

receiving an indication of an ending of the depression of the button; [FIG. 3, element 320, para. 21 (see, e.g., lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28], wherein a first depression duration range is associated with a first function on the device controller [FIG. 3, elements 325-326], a second depression duration range is associated with a second function on the device controller [FIG. 3, elements 330-331], and a third depression duration range is associated with a third function on the device controller [FIG. 3, elements 335-336], and;

performing the function associated with the depression duration range of the button on the device controller. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

Independent Claim 38

Independent claim 38 recites a computer-readable medium containing instructions [FIG. 2; para. 2, para. 20, paras. 22-23] which, when executed by a processor, cause the processor to perform a method [FIG. 3; para. 9, para. 21], the method comprising:

receiving an indication of a depression of a button on a multimedia presentation device controller; [FIG. 3, element 305; para. 21 (see, *e.g.*, lines 1-5), para. 22, para. 26]

receiving an indication of an ending of the depression of the button; [FIG. 3, element 320, para. 21 (see, *e.g.*, lines 7-10), para. 22, paras. 26-27]

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges [FIG. 3, elements 325, 330, 335, 340; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28], wherein a first depression duration range is associated with a first function on the multimedia presentation device controller [FIG. 3, elements 325-326], a second depression duration range is associated with a second function on the multimedia

presentation device controller [FIG. 3, elements 330-331], and a third depression duration range is associated with a third function on the multimedia presentation device controller [FIG. 3, elements 335-336], and;

performing the function associated with the depression duration range of the button on the multimedia presentation device controller. [FIG. 3, elements 326, 331, 336, 341; para. 21 (see, *e.g.*, lines 10-14), para. 22, paras. 27-28]

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

Claims 1-4, 10-13, 19-22 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appl. Pub. No. 2001/0005905 (now U.S. Patent No. 6,505,346) to Saib *et al.* (hereinafter “Saib”), in view of U.S. Patent No. 6,507,306 to Griesau *et al.* (hereinafter “Griesau”).

Claims 28, 33, and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saib, in view of U.S. Patent No. 7,181,027 to Shaffer *et al.* (hereinafter “Shaffer”).

Claims 30 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saib, in view of Shaffer, and further in view of Griesau.

Claims 31 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saib, in view of Shaffer, and further in view of U.S. Patent No. 5,844,620 to Coleman *et al.* (hereinafter “Coleman”).

Claims 32 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saib, in view of Shaffer, and further in view of U.S. Patent No. 6,757,906 to Look *et al.* (hereinafter “Look”).

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

A. Rejections of Independent Claims 1, 10, and 19

Independent claims 1, 10, and 19 each relate to a channel selection button used to perform one of a plurality of functions based upon a depression duration of a channel selection button corresponding to a number button (0-9). Specifically, claims 1, 10, and 19 each recite, *inter alia*:

receiving [an] indication of a depression of a channel selection button, wherein the channel selection button corresponds to a number button (0-9);

evaluating a depression duration of the channel selection button; and

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration.

The Office alleges that a combination of Saib and Griesau renders obvious claims 1, 10, and 19. (Final Office Action, p. 2). However, neither Saib, nor Griesau, alone or in combination, teaches or suggests evaluating a depression duration of a channel selection button corresponding to a number button (0-9), or performing one of a plurality of different functions based on the depression duration of a channel selection button corresponding to a number button (0-9). Accordingly, claims 1, 10, and 19 are not obvious over the cited references.

With respect to Saib, the Final Office Action at page 3 alleges that Saib discloses a channel selection button in the form of the “Jump” button described at FIG. 3, step 302. However, Saib’s Jump button is a single button that causes the tuner to cycle through a loop of stations. (Col. 5, ll. 23-57.) Saib’s Jump button is not a channel selection button corresponding to a number button (0-9), as recited in claims 1, 10, and 19. Thus, as the Final Office Action correctly acknowledges on page 3, Saib does not disclose performing a function based on the depression duration of a number button.

The Final Office Action alleges on page 4 that Griesau, col. 5, lines 25-45, cures the deficiencies of Saib with respect to the claim limitations discussed above. However, Griesau also fails to teach or suggest evaluating a depression duration of a number button (0-9), or performing one of a plurality of different functions based on the depression duration of a number button (0-9). The relied-upon section of Griesau only describes user-programmable mode buttons (*i.e.*, the “CABLE,” “TV,” “VIDEO,” and “AUDIO” buttons) that can be programmed to perform multiple different functions. (Col. 5, ll. 25-31; FIG. 1). However, Griesau’s user-programmable mode buttons are also not “channel selection button[s] corresponding to a number button (0-9),” as recited in claims 1, 10, and 19. Furthermore, Griesau never discloses evaluating a depression duration for any button, and thus cannot teach or suggest performing one of a plurality of different functions based on the depression duration of a button. Rather, the multiple functions performed by Griesau’s mode buttons are performed simultaneously in response to a single button press, without any regard to the depression duration of the button. (Col. 5, ll. 39-45). Thus, Griesau does nothing to cure the above-discussed deficiencies of Saib.

In sum, neither Saib nor Griesau teaches or suggests evaluating a depression duration of a number button (0-9), or performing one of a plurality of different functions based on the depression duration of the number button (0-9). As an attempt to overcome these deficiencies in the cited references, the Final Office Action alleges the following:

Therefore, a person of ordinary skill in the art would have had good reason to pursue the known options of programming existing generic buttons such as numerical keys to provide extra functions without major modifications of the existing design to save time and cost. It would require no more than “ordinary skill and common sense” to program any key including numerical keys as an option to provide additional functions as a operation need warrants it; thereby facilitate operation flexibility.

(Final Office Action, p. 3)

In other words, the Office is arguing that merely because number buttons were known in the

prior art, the recited features of evaluating a depression duration of a number button (0-9), and performing one of a plurality of different functions based on the depression duration of the number button (0-9), would have been obvious. Notwithstanding the Office's conclusory statements, the Final Office Action provides no explicit reasoning why the additional recited features, which are neither taught nor suggested by either Saib or Griesau, would have been obvious, and does not identify any portion of either reference that suggests the proposed modification. Clearly, the Office is engaging in impermissible hindsight by simply reciting benefits of the Appellants' own invention.

Further, the differences between Saib's Jump button and Griesau's programmable mode buttons on one hand, and performing a function based on a depression duration of a channel selection button corresponding to a number button (0-9) on the other hand, are significant. The instant specification discusses several specific examples and advantages of performing one of a plurality of functions based upon the depression duration of a channel selection number button (e.g., one duration for the channel number, another duration to run a numbered program, another duration to update that numbered program, another duration to clear and reset that program number, etc.) See, e.g., FIG. 5, paras. 26-27. These examples and others discussed in the instant specification are not disclosed in the cited references and would not be possible using the single Jump button described in Saib and/or the user-programmable mode buttons of Griesau.

For at least these reasons, the cited references of Saib and Griesau, considered alone or in combination, do not teach or suggest each and every feature of claim 1. As discussed above, claims 10 and 19 recite features similar to claim 1. Accordingly, the rejections of claims 1, 10, and 19 are improper and should be reversed.

B. Rejections of Dependent Claims 25-27

Claims 25-27 depend respectively from independent claims 1, 10, and 19, and further recite, “accessing or updating an item in a favorite channel list, wherein the number of the item in the favorite channel list is the same as the number of the channel selection button.” The Office’s rejections of claims 25-27 is reproduced below in its entirety:

Regarding Claims 25, 26 and 27, Saib inherently discloses selection of channels based on the number keys from a remote control (press “3” button on the remote will select channel 3).
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(Final Office Action, p. 4)

The Office erred in its rejections of claims 25-27 because the Office mischaracterized the recited claim features. Claims 25-27 do not simply recite selecting a channel corresponding to the number button selected (e.g., pressing the button “3” to tune the device to channel 3). Rather, claims 25-27 recite accessing or updating the corresponding item in the favorite channel list (e.g., pressing the button “3” for a predetermined duration to access or update the third item in the favorite channel list). FIG. 5 (502, 503) and paragraph [0027] of the instant specification describe one example of this feature, in which a user depresses the “3” button for a specified duration, and the resulting function replaces channel 7 with channel 4 as the third item of the favorite programs list.

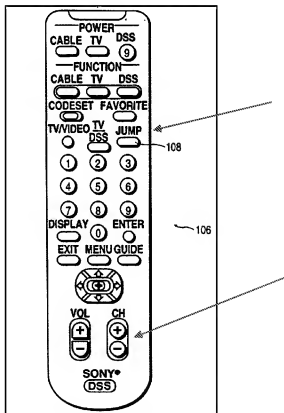
Neither Saib, nor any of the other cited references, considered alone or in combination, teaches or suggests, “accessing or updating an item in a favorite channel list,” in response to the depression duration of the corresponding numbered channel selection button (0-9), as recited in claims 25-27. Accordingly, for these additional reasons, the rejections of claims 25-27 are improper and should be reversed.

C. Rejections of Independent Claims 28, 33, and 38

The Office erred in its rejections of claims 28, 33, and 38, with respect to “classifying the depression duration into one of three or more ranges,” wherein each depression duration range is associated with a separate function on a multimedia presentation device controller. The Final Office Action acknowledges on page 5 that the “Jump” button described in Saib only includes two depression duration ranges, but then alleges that U.S. Patent No. 7,181,027 (“Shaffer”) cures these deficiencies by disclosing a third duration range at FIG. 4 and col. 8, lines 59-64. However, the alleged duration ranges of Shaffer are not “depression duration” ranges as recited in claims 28, 33, and 38. Rather, Shaffer’s duration ranges relate to the amount of time that audio input is being detected at a microphone. (FIG. 4, col. 9, line 51 – col. 10, line 46). Further, none of the alleged functions performed by Shaffer is a “function on [a] multimedia presentation device controller,” as recited by claims 28, 33, and 38. In fact, Shaffer does not disclose or relate to multimedia device controllers at all, but describes a noise suppression technique for use in communication systems. (Abstract) Furthermore, it is not clear that there is even an alleged “third function” performed by Shaffer at all. As shown in FIG. 4 of Schaffer, regardless of the duration of the speech input at the microphone, a timer is initialized, a beginning notification is sent, and an ending notification is sent. Although multiple durations are described in relation to system performance, Shaffer does not disclose an alleged “third function” that is performed based on a third duration range. Accordingly, for at least these reasons, the rejections of claims 28, 33, and 38 are improper and should be reversed.

D. Rejections of Dependent Claims 30 and 35

Dependent claims 30 and 35 depend respectively from independent claims 28 and 33, and further recite wherein the button for which the depression duration is evaluated, “corresponds to a channel up button or a channel down button.” The Office erred in its rejections of claims 30 and 35 by alleging that Saib’s “Jump” button is a “channel up” button. Specifically, the Final Office Action on page 5 states, “Saib discloses a jump key (channel up) with the first depression range...” To the contrary, Saib’s Jump button is clearly not “a channel up button or a channel down button,” as recited in claims 30 and 35. As shown in FIG. 1A of Saib, the Jump button is entirely different from the channel up and channel down keys on Saib’s remote control device 106.



(Saib, FIG. 1A)

Neither Saib, nor any of the other cited references, teaches or suggests evaluating a depression duration of “a channel up button or a channel down button,” or performing a function based on the

depression duration of a channel up or channel down button. Accordingly, for at least these additional reasons, the rejections of claims 30 and 35 are improper and should be reversed.

E. Rejections of Claims 2-4, 11-13, 20-22, 25-27, 29-32, 34-37, and 39-40

Claims 2-4, 11-13, 20-22, 31-32, 36-37, and 39-40 ultimately depend from one of claims 1, 10, 19, 28, 33, or 38, and are thus allowable for at least the same reasons as their respective base claims.

CONCLUSION

For all of the foregoing reasons, Appellants respectfully submit that the rejections of claims 1-4, 10-13, 19-22, 25-28, 30-33, and 35-40 are improper and should be reversed.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: June 6, 2011

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CLAIMS APPENDIX
37 C.F.R. § 41.37(c)(1)(viii)

Claims involved in the appeal:

1. (Rejected) A method comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, wherein the channel selection button corresponds to a number button (0-9);

receiving an indication of an ending of the depression of the channel selection button;

evaluating a depression duration of the channel selection button; and

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration.

2. (Rejected) The method of claim 1, wherein evaluating the depression duration comprises:

determining depression of a button;

periodically incrementing a counter during the depression duration; and

evaluating the counter value, upon termination of the depression of a button.

3. (Rejected) The method of claim 2, wherein the plurality of functions affect a favorite channel list, wherein a plurality of channels favorites are positioned in the list non-sequentially.

4. (Rejected) The method of claim 3, wherein the functions affecting the favorite channel

list include one or more of accessing, updating, programming and last channel.

5-9. (Canceled)

10. (Rejected) A computer-readable medium containing instructions which, when executed by a processor, cause the processor to perform a method, the method comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, wherein the channel selection button corresponds to a number button (0-9);

receiving an indication of an ending of the depression of the channel selection button;

evaluating a depression duration of the channel selection button; and

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration.

11. (Rejected) The computer-readable medium of claim 10, wherein evaluating the depression duration comprises:

determining depression of a button;

periodically incrementing a counter during the depression duration; and

evaluating the counter value, termination of the depression of a button.

12. (Rejected) The computer-readable medium of claim 11, wherein the plurality of functions affect a favorite channel list, wherein a plurality of channels favorites are positioned in the list non-sequentially.

13. (Rejected) The computer-readable medium of claim 12, wherein the functions affecting the favorite channel list include one or more of accessing, updating, programming and last channel.

14-18. (Canceled)

19. (Rejected) An apparatus comprising:

a processor having a memory coupled thereto, the memory having stored thereon executable instructions which, when executed by the processor, cause the processor to perform a method comprising:

receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, wherein the channel selection button corresponds to a number button (0-9);

receiving an indication of an ending of the depression of the channel selection button;

evaluating a depression duration of the channel selection button; and

performing one of a plurality of functions associated with the channel selection button, wherein the function performed is based upon the depression duration.

20. (Rejected) The apparatus of claim 19, wherein evaluating the depression duration comprises:

determining depression of button;

periodically incrementing a counter during the depression duration; and

evaluating the counter value, upon termination of the depression of a button.

21. (Rejected) The apparatus of claim 20, wherein the plurality of functions affect a favorite channel list, wherein a plurality of channels favorites are positioned in the list non-sequentially.

22. (Rejected) The apparatus of claim 21, wherein the functions affecting the favorite channel list include one or more of accessing, updating, programming and last channel.

23-24. (Canceled)

25. (Rejected) The method of claim 1, wherein the function performed corresponds to one of accessing or updating an item in a favorite channel list, wherein the number of the item in the favorite channel list is the same as the number of the channel selection button.

26. (Rejected) The computer-readable medium of claim 10, wherein the function performed corresponds to one of accessing or updating an item in a favorite channel list, wherein the number of the item in the favorite channel list is the same as the number of the channel selection button.

27. (Rejected) The apparatus of claim 19, wherein the function performed corresponds to one of accessing or updating an item in a favorite channel list, wherein the number of the item in the favorite channel list is the same as the number of the channel selection button.

28. (Rejected) A method comprising:

receiving an indication of a depression of a button on a multimedia presentation device controller;

receiving an indication of an ending of the depression of the button;

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges, wherein a first depression duration range is associated with a first function on the multimedia presentation device controller, a second depression duration range is associated with a second function on the multimedia presentation device controller, and a third depression duration range is associated with a third function on the multimedia presentation device controller, and;

performing the function associated with the depression duration range of the button on the multimedia presentation device controller.

29. (Objected To) The method of claim 28, wherein a final depression duration after the three or more depression duration ranges is associated with a termination function that does not perform any of the button functions on the multimedia presentation device controller.

30. (Rejected) The method of claim 28, wherein the button corresponds to a channel up button or a channel down button, wherein the first depression duration range is associated with a function for tuning an associated multimedia presentation device to a different broadcast channel, and wherein the second or third depression duration range is associated with a function for changing an operating mode of the multimedia presentation device.

31. (Rejected) The method of claim 28, wherein the button corresponds to a last channel button, wherein the first depression duration range is associated with a function for tuning an associated multimedia presentation device to a most recently previously viewed channel, and wherein the second duration range is associated with a function for tuning the multimedia presentation device to a channel viewed before the most recently previously viewed channel.

32. (Rejected) The method of claim 28, wherein after receiving the indication of the depression and before receiving the indication of the ending of the depression, the depression duration corresponds to a progress bar with range labels displayed on an associated multimedia presentation device.

33. (Rejected) A device controller comprising:

a processor having a memory coupled thereto, the memory having stored thereon computer executable instructions which, when executed by the processor, cause the device controller to perform a method comprising:

receiving an indication of a depression of a button on the device controller;

receiving an indication of an ending of the depression of the button;

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges, wherein a first depression duration range is associated with a first function on the device controller, a second depression duration range is associated with a second function on the device controller, and a third depression duration range is associated with a third function on the device controller, and;

performing the function associated with the depression duration range of the button on the device controller.

34. (Objected To) The device controller of claim 33, wherein a final depression duration after the three or more depression duration ranges is associated with a termination function that does not perform any of the button functions on the multimedia presentation device controller.

35. (Rejected) The device controller of claim 33, wherein the button corresponds to a channel up button or a channel down button, wherein the first depression duration range is associated with a function for tuning an associated multimedia presentation device to a different broadcast channel, and wherein the second or third depression duration range is associated with a function for changing an operating mode of the multimedia presentation device.

36. (Rejected) The device controller of claim 33, wherein the button corresponds to a last channel button, wherein the first depression duration range is associated with a function for tuning an associated multimedia presentation device to a most recently previously viewed channel, and wherein the second duration range is associated with a function for tuning the multimedia presentation device to a channel viewed before the most recently previously viewed channel.

37. (Rejected) The device controller of claim 33, wherein after receiving the indication of the depression and before receiving the indication of the ending of the depression, the

depression duration corresponds to a progress bar with range labels displayed on an associated multimedia presentation device.

38. (Rejected) A computer-readable medium containing instructions which, when executed by a processor, cause the processor to perform a method, the method comprising:

receiving an indication of a depression of a button on a multimedia presentation device controller;

receiving an indication of an ending of the depression of the button;

evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges, wherein a first depression duration range is associated with a first function on the multimedia presentation device controller, a second depression duration range is associated with a second function on the multimedia presentation device controller, and a third depression duration range is associated with a third function on the multimedia presentation device controller, and;

performing the function associated with the depression duration range of the button on the multimedia presentation device controller.

39. (Rejected) The method of claim 28, wherein said evaluating comprises classifying the depression duration into one of four or more ranges, and wherein a fourth depression duration range is associated with a fourth function on the multimedia presentation device controller.

40. (Rejected) The device controller of claim 33, wherein said evaluating comprises classifying the depression duration into one of four or more ranges, and wherein a fourth

depression duration range is associated with a fourth function on the multimedia presentation device controller.

EVIDENCE APPENDIX
37 C.F.R. § 41.37(c)(1)(ix)

None.

RELATED PROCEEDINGS APPENDIX

37 C.F.R. § 41.37(c)(1)(x)

None.